



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 8, 2014

Westtower for AT&T Mobility
C/O William Lynch / Kim Tilley
18 Centerpointe Drive, Suite 110
La Palma CA 90623

**REGARDING: Project No. R2013-03588
Conditional Use Permit No. 201300184
34500 1/4 Rough Road, Acton**

Hearing Officer Bruce Durbin, by his action of **May 6**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **May 20, 2014. Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Gretchen Siemers of the Zoning Permits North Section at (213) 974-6443, or by email at gsiemers@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Paul McCarthy, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement;

SMC:GS

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**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03588
CONDITIONAL USE PERMIT NO. 201300184**

1. **ENTITLEMENT(S) REQUESTED.** The applicant, AT&T Mobility, is requesting a Conditional Use Permit (CUP) to authorize the replacement, continued use and maintenance of an existing wireless telecommunications facility (WTF) pursuant to County Code Section 22.28.160 of the A-2-1(Heavy Agriculture-One Acre Minimum Lot Area) Zone.
2. **HEARING DATE.** May 6, 2014.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held by Hearing Officer Bruce Durbin. Staff presented the background on the requested permit and recommended approval. The Hearing Officer pointed out a typographical error in the staff report. The applicant's representative, Kim Tilley, testified that she was in support of the project. The Hearing Officer closed the public hearing and approved the project, subject to the attached conditions, and adopted the categorical exemption from the California Environmental Quality Act.
4. **PROJECT DESCRIPTION.** The project is a CUP for the continued use, replacement and modification of an existing WTF by removing and replacing an existing 46-foot monopole with a new monopole of the same height, (12) existing panel antennas and related equipment, a new foundation, (1) 2.5' microwave dish, (12) 8' panel antenna, (27) proposed remote radio units (RRUs), (12) new tower mounted amplifiers (TMAs) and (5) new surge suppression units, all mounted at antenna level. The panel antennas reach 50 feet in height. New monopole and equipment will be installed within the existing lease compound.
5. **LOCATION.** The existing WTF is located at 34500¼ North Rough Road, Palmdale, CA 93550. Assessor Parcel Number 0356-008-033.
6. **EXISTING ZONING.** The subject property is zoned A-2-1. Surrounding zoning is as follows:
 - North: A-2-1
 - South: A-2-1
 - East: A-2-1
 - West: A-2-1
7. **EXISTING LAND USES.** The site is currently developed with three WTFs: the subject WTF, a second WTF owned by Crown Castle, a WTF owned by American Tower Corporation, a third owned by Sprint. Surrounding land uses are as follows:
 - North: Vacant land
 - South: Vacant land

East: Vacant land
West: Vacant land, State Route 14

8. **PREVIOUS CASES/ZONING HISTORY.** The subject WTF was originally approved through CUP 99206. No zoning violations have been reported on the site.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**

The project site is located within the N1 (Non-Urban, 1 dwelling unit per acre) land use category of the Antelope Valley Areawide Plan, a component of the General Plan. This land use designation is intended for low density rural uses. The WTF is a utility that will continue to serve the community while not contributing to density or urbanization of the area. The WTF primarily serves drivers along the 14 freeway. Therefore, the WTF is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- Promote the full use of existing service systems in order to gain maximum benefit from previous public *investments* (Policy 54, Page 1-25). The existing WTF has access to existing transportation, energy and utility infrastructure to service the facility.
- Maintain high quality emergency response services. (Policy 58, Page 1-25). The existing WTF provides cellular service to the surrounding community and such service is often used to make emergency calls. The project will ensure that such services will continue to be available.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Wireless telecommunications facilities are not a recognized use in the Zoning Code, however, the use that is most closely related to a wireless telecommunications facility in the Zoning Code is a radio or television tower. Radio and television towers are permitted in the A-2-1 Zone under Section 22.24.150 of the Zoning Code, subject to the issuance of a CUP pursuant to the provisions of Part 1 of Chapter 22.56.

Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The director may impose an amount of parking spaces that he or she finds to be adequate to prevent traffic congestion and excessive on-street parking. The existing WTF will be unstaffed and will require periodic maintenance visits only. Therefore, the appropriate parking for such a use would be one space, and that parking would be satisfied by the existing parking lot.

All other applicable development standards would be met by the facility. The proposed project does not impede the compliance of any development standard in the A-2 zone. All required setbacks are met with the proposed project.

11. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

The proposed project is for the continued operation, replacement, and maintenance of a WTF on an uninhabited hillside parcel. The project's relatively small size, remote location, as well as the physical appearance of the project, are compatible with the area.

The project site is adequately sized to accommodate maintenance vehicles for the WTF, and as such the project will not overburden the area with traffic, nor will other public or private services be impacted by the project. Access to the property is via Rough Road, a hard-packed dirt road.

The project is well served by all applicable and necessary infrastructure, including roads, electricity, and telephone service.

12. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS. No comments have been received at this time.

13. OTHER AGENCY COMMENTS AND RECOMMENDATIONS. No other agency comments or recommendations have been received at this time.

14. LEGAL NOTIFICATION AND PUBLIC OUTREACH. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

15. PUBLIC COMMENTS. No public comments have been received at this time.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The project site is located within the N1 (Non-Urban, 1 dwelling unit per acre) land use category of the Antelope Valley Areawide Plan, a component of the General Plan. This land use designation is intended for low density rural uses. The WTF is a utility that will continue to serve the community while not contributing to density or urbanization of the area. The WTF primarily serves drivers along the 14 freeway. Therefore, the WTF is consistent with the permitted uses of the underlying land use category. In addition, a number of General Plan policies are applicable to the proposed project.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

17. The existing wireless telecommunications facility will continue to provide improved cellular telephone service to the area which will result in fewer dropped calls in times of emergency. Thus, more cell phone reliability and an enhanced level of safety.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

18. The existing WTF will only require maintenance visits approximately twice per month. Access to the WTF will not impact surrounding properties.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

19. The WTF has access to existing transportation, energy and utility infrastructure to service the facility. The existing dirt road, Rough Road, adequately services the use to accommodate the infrequent service visits.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

20. **ENVIRONMENTAL DETERMINATION.** The project qualifies for a Class 2 Categorical Exemption (Replacement or Reconstruction), under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is for the continuation of a WTF use, consisting of the replacement of the existing WTF with a monopole of the same height, and new panel antennas. No expansion of the lease space is proposed. The project site is not in an environmentally sensitive area as mapped or adopted by the County, and, therefore, is not an exception to the Categorical Exemption.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

21. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
22. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head

of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare]; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 2 Categorical Exemption.
- 2. In view of the findings of fact and conclusions presented above, Project No. R2013-03588-(5), Conditional Use Permit No. 201300184 is approved subject to the attached conditions.

ACTION DATE: May 6, 2014

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03588-(5)
CONDITIONAL USE PERMIT NO. 201300184**

PROJECT DESCRIPTION

The project is a Conditional Use Permit (CUP) to authorize the replacement, continued use, and maintenance of an existing wireless telecommunications facility (WTF) consisting of a 46-foot tall monopole with panels reaching 50 feet in height, and twelve (12) panel antennas, to be relocated within the existing lease area, pursuant to County Code Section 22.28.160 of the A-2-1(Heavy Agriculture--One Acre Minimum Required Lot Area) Zone, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 6, 2029.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a

violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) **biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **July 6, 2014**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATION FACILITY)

19. This grant shall authorize a CUP for the continued use and modification of an existing 50 foot WTF.
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. The permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
22. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
23. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

25. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
26. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
27. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A".
28. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
29. The maximum height of the facility shall not exceed 50 feet above finished grade.
30. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
31. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
32. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice.
33. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
34. The project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
35. Upon termination of this grant or after the construction of this facility, if the facility has ceased to operate; the permittee shall remove such facility and clear the site of

all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.